HERRICK, FEINSTEIN LLP John R. Goldman (JG - 4550) David T. Feuerstein (DF - 6926) 2 Park Avenue New York, New York 10016-9301 (212) 592-1400

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JOEL S. GREENE, x

Plaintiff,

- against -

415 EQUIPMENT PARTNERS LLC, 415
WASHINGTON AVE. PARTNERS LLC, RABINA:
REALTY, INC., MAIDAD RABINA, HCP-415
WASHINGTON AVE. PARTNERS LLC,
HACKMAN CAPITAL PARTNERS LLC,
RABINA-ROSE REALTY, INC., MICHAEL
HACKMAN and JONATHAN ROSE,

Defendants.

Case No. 06 CV 1917

NOTICE OF MOTION TO DISMISS COMPLAINT PURSUANT TO RULE 12(C) OF THE FEDERAL RULES OF CIVIL PROCEDURE

PLEASE TAKE NOTICE THAT, upon the annexed Declaration of John R. Goldman, executed on June 16, 2006, and the exhibits thereto, the accompanying Memorandum of Law and all the proceedings heretofore had herein, the undersigned will move this Court, before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York, at such date and time as the Court shall determine, for an order, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety, and for such other and further relief as the Court deems just and proper.

¹ Attached hereto is a Table of Contents that identifies all affidavits and exhibits that are being filed with Defendants' motion to dismiss.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's May 26, 2006 Order, answering papers, if any, must be served on or before July 26, 2006, and reply papers, if any, shall be served on or before August 4, 2006.

Dated: New York, New York June 16, 2006

HERRICK, FEINSTEIN LLP

John R. Goldman (JG - 4550) David Feuerstein (DF - 6926) Attorneys for Defendants

2 Park Avenue

New York NY 10016

(212) 592-1400

TO: William M. O'Connor, Esq. Timothy J. Fierst, Esq. BUCHANAN INGERSOLL PC Attorneys for Plaintiff One Chase Manhattan Plaza - 35th Floor New York, New York 10005 (212) 440-4400

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- 1) Notice of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(c)
- 2) Memorandum of Law in Support of Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(c)
- 3) Affidavit of John R. Goldman in Support of Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(c) ("Goldman Aff.")
 - (a) Exhibit A to Goldman Aff. -- Plaintiff's Complaint, filed on or about March 10, 2006;
 - (b) Exhibit B to Goldman Aff. -- Defendants' Answer to the Complaint, filed on May 15, 2006;
 - (c) Exhibit C to Goldman Aff. -- The Equipment Services Agreement dated as of January 1, 2002 between Plaintiff and defendant 415 Equipment Partners LLC (the "Equipment Contract"); and
 - (d) Exhibit D to Goldman Aff. -- The Settlement Agreement dated as of August 30, 2002, between United Technologies, Pratt & Whitney Division ("P&W"), on the one hand, and 415 Washington Ave Partners LLC and 415 Equipment Partners LLC, on the other (the "Settlement Agreement").